



Project #15-049
Canyon Landscaping
Located at 2250 South Hwy 89/91

REPORT SUMMARY...

Project Name: Canyon Landscaping
Proponent/Owner: BJ Smith / Raymond and Judy Jensen Trust
Project Address: 2250 South Hwy 89/91
Request: Rezone from Resource Conservation (RC) to Gateway (GW)
Text Amendment & Conditional Use Permit
Type of Action: Legislative / Quasi Judicial
Hearing Date: October 22, 2015
Submitted By: Russ Holley, Senior Planner

RECOMMENDATION

Staff recommends that the Planning Commission **recommend approval** to the Municipal Council for a Rezone of one (1) parcel totaling 1.10 acres from RC to GW and a Text Amendment to conditionally allow the land use "Maintenance and Repair Services for Buildings" in the GW zone. Staff recommends that the Planning Commission **approve** a Conditional Use Permit for the proposed land use and "minor" outdoor storage located at 2250 South Hwy 89/91, TIN #03-007-0013.

Land use adjoining the subject property

<i>North:</i>	RC: residential	<i>East:</i>	RC: agricultural, undeveloped
<i>South:</i>	Nibley City COM: commercial	<i>West:</i>	RC: US Hwy 89/91, rural residential

Request

The request is to rezone (1) parcel totaling 1.10 acres located at 2250 South Hwy 89/91, from Resource Conservation (RC) to Gateway (GW), amend the Land Development Code (LDC) to conditionally allow "Maintenance or Repair Services for Buildings" in the GW zone. The request also includes remodeling the existing home into an approximate 2,000 SF office for a landscaping business and a Conditional Use Permit for the commercial use or "maintenance and repair services for buildings" and "minor" outdoor storage in the rear yard for landscaping materials and equipment.

Zoning History

The City of Logan adopted Zoning regulations in August of 1950. This property was annexed into Logan City in 2007. It was part of 300 acres on the southern end of Logan that came into the City at that time. The property was zoned AG- Agricultural from 2007 to 2011. The property was designated Resource Conservation (RC) under the 2011 Land Development Code update and rezone. The current designation is RC.

Land Development Code (LDC)

The Land Development Code (LDC) §17.12.120 describes different functions of the Resource Conservation (RC) zone. Areas within this designation may include land to be protected from development such as highly productive agricultural lands, areas of high visual value, such as views and view corridors, and critical environmental areas. Some of the critical environmental areas have development hazards such as high water tables, wetlands, and high liquefaction potential. The RC zone allows for residential development at one unit per 40 acres and permits single family uses.

The Land Development Code (LDC) §17.16.040 indicates the Gateway (GW) zone is intended to provide aesthetically pleasing development with large building setbacks and ample landscaping and natural areas. The south gateway is considered to be the primary “front door” for visitors; the area is intended to become a welcoming transition from the more rural southern areas to the commercial and business districts of Logan. The policies and objectives in the South Corridor Plan supplement the requirements of this zone.

General Plan

The Future Land Use Plan (FLUP) adopted in 2008 did not originally show this area, as it was recently annexed and was not part of the planning area when the General Plan process began. Later editions of the FLUP (November 2010) show the area as RRA- Rural Reserve Area. The purpose of these areas with this designation is to provide a rural low density or sensitive critical land buffer between areas of higher density and intensity development. RRA areas provide land for locally produced produce and agricultural products, in which Cache Valley has a rich history of.

South Corridor Specific Plan

This area is part of the Cache Valley South Corridor Development Plan. This planning effort began in 2011 and was completed in 2013. Logan City adopted the Plan and the City Council has been reviewing implementation strategies ever since. The Plan developed a Preferred Land Use Plan for the corridor, which included nodes of commercial development around current or planned traffic signals setback 300’ from the HWY and low-density/rural/agricultural areas between each commercial node with buildings setback 500’ from the HWY. A multi-use trail was planned in the setback area that could accommodate farm equipment, horseback riders, bicycles and pedestrians. The Preferred Land Use map indicates this area as rural and shows 2600 South to the south and 1000 West to the north as a commercial nodes or concentrated development. As per the existing corridor agreement with UDOT, which in the future may be amended, traffic signals are “committed” for 1000 West and 3200 South and one signal is “planned” for 2600 South about halfway between the two committed signals. No traffic signal is indicated at 2200 or 2300 South in the plan.

Development vs. Land Use

A recent rezone application called Whispering Oaks was denied for several reasons including limited access, poor utility services and higher density housing. This application differs in that no new building development is being proposed and this is a land use proposal to convert the house to a small office and utilize the rear yard for equipment and material storage. With parking located outside of the front setback and all storage areas completely screened from view, this proposal would look similar to an agricultural or rural single-family use that currently exists.

Utility Information

The site is not currently on Logan City water, sewer, or power services. The existing residence has a septic and well system. The nearest Logan City water service is at the Spring Creek Subdivision at 1450 West and 2200 South. There is a sewer line that runs on 2200 South to the northwest of this property. Logan City Power extends to the corner of 2200 South and Highway 89/91. Nibley City has services to the south, with lines approximately 400’ away. The site is not readily adjacent to all needed services to be suitable for development.

Analysis and Recommendation

Staff is recommending approval of this project based on the applicant proposing and committing to the notion that his business model and layout will be very similar to an agricultural use. If carefully managed and controlled, staff agrees that this new land use should be similar in

appearance and as impactful as the existing use or uses allowed (agricultural) in RC zone. If public funds were available to purchase this property and demolish the buildings and create preserved open space (500' setback) in exact accordance with the South Corridor Plan, then that would accomplish the plan goals. But that effort has not begun or may never begin because of political or inter-jurisdictional reasons. With commercial nodal development planned at certain intersections along the HWY corridor, a "transfer of development rights" type of opportunity may be a good way to obtain and preserve open lands in between nodal development along the HWY. With multiple jurisdictions regulating land use, a transfer of development rights scenario would need to be universally adopted; something that has been typically difficult to accomplish in the past. Aside from a structure-free preserved open space, the proposed use, if managed similarly to that of agriculture, shouldn't compromise the overall goals in the South Corridor Plan.

With adjacent cities aggressively courting commercial development opportunities coupled with current auto-oriented developments morphing away from the original "Plat of Zion" grid pattern to that of large-radius vehicle circulation and movement patterns, as evident with the newer CampSaver building, the planned 2600 south traffic signal (directly east-west alignment) may in the future be adjusted to 2300 South (angled orientation). As with other areas of growth in the region, UDOT typically makes "remedy" HWY changes based on vehicle accident and newly generated traffic data. UDOT will also consider political pressure and with new money and growth invested in a certain area, political interests become heightened. Staff's point is; it's probable that 2300 South becomes a traffic signal and thus defaults into a nodal commercial development. If that happens, this property will most likely be re-assessed and planned for something more commercial in nature.

The South Corridor Plan's worst case scenario is development along this HWY corridor that creates a "strip-commercial" pattern spread out along the entire stretch, similar to that of areas north of Logan. This scenario creates unsafe and uncontrolled traffic access problems and will compromise valley-wide character along with the attempt to create an aesthetically pleasing "front door" impression for Logan City. In conclusion, this is not a re-development proposal that would move Logan City closure to the above mentioned scenario; it is a change in land use with very limited customer traffic and with careful screening of materials and equipment, staff finds that it would be similar to what currently exists.

By rezoning the property from RC to GW, it does change the primary permitted uses from residential to commercial. Although this particular proposal as conditioned should minimize commercial appearance and impacts, thoughtful consideration should be given by the decision making body that anticipates every possible land use permitted in the new zone and decides appropriateness based on a worst case scenario. In this case, the GW zone has a limited amount of permitted uses and with larger setbacks and enhanced landscaping standards is quite different from Logan City's other commercial zones.

UDOT

The applicant has attended UDOT's Cache Access Management Program meeting and has been given preliminary consent on the condition that the two existing driveways be reduced to one driveway and that future cross-access easements be granted for further driveway access restrictions. UDOT right-of-way and encroachment permits will need to be submitted for final approval and HWY access adjustments.

AGENCY AND CITY DEPARTMENT COMMENTS

Comments were solicited from the following departments or agencies:

• Engineering	• Environmental
• Fire	

PUBLIC COMMENTS

Staff has not received any comments on this project from the public.

PUBLIC NOTIFICATIONS

Legal notice was published in the Herald Journal on 10/8/2015 and the Utah Public Meeting website on 10/9/2015. A Quarter Page Ad was published in The Herald Journal on 10/4/2015. Public Notice was mailed to property owners within 300' of the property on 10/5/2015.

RECOMMENDED CONDITIONS OF APPROVAL FOR THE CONDITIONAL USE PERMIT

This project is subject to the proponent or property owner agreeing to comply with the following conditions as written, or as may be amended by the Planning Commission.

1. All standard conditions of approval will be recorded with the Design Review and are available in the Community Development Department.
2. All outdoor storage of equipment and materials, including employee parking, shall be completely screened from view along HWY 89/91 with an six (6) foot tall solid opaque fence and gate. The material of the fence shall be wood or something similar and look rural residential/agricultural in nature. No slated chain link or similar industrial looking fences allowed.
3. Shrubs and trees shall be planted on the west side (outside) of the required fence for additional buffering and screening from the HWY.
4. All outdoor materials shall not be stacked or placed higher than twelve (12) feet tall.
5. The outdoor storage area shall be confined to the rear yard only and at least 130 feet from the HWY 89/91 right-of-way, which is approximately the front wall of the back southern accessory shed.
6. The customer parking stalls located south of the building shall be located behind the front plane of the existing home and dense vertical landscaping including shrubs and perennials shall be placed between the first stall and the HWY.
7. After the north driveway is removed as per UDOT requirements, the area shall be landscaped and re-vegetated.
8. The customer parking lot shall be asphalt, concrete or an approved hardened surface by the public works dept.
9. Because of the lack of utilities in the immediate area and fire suppression issues outlined below, no new accessory buildings or building additions will be allowed without first obtaining a design review permit and an assessment and approval from the Logan City Fire and Public Works Departments.
10. Prior to issuance of a Building Permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
 - a. *Fire – Contact 716-9515*
 - (IFC 503.1.1) *Fire Apparatus Access shall extend to within 150 feet of all portions of the facility as measured by an approved route around the exterior of the building.*
 - Fire Apparatus Access from the Hwy 89/91 appear to provide adequate fire apparatus access within 150 ft of all portions of the existing facility as measured by an approved route around the exterior of the building.
 - (IFC 507.5.1) *Fire Hydrants shall be located within 400 feet of the building as measured by an approved route around the exterior of the building.*
 - No fire hydrants exist in the area.

- Fire Water Flow
 - (IFC 507.1) *An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, building or portions of buildings are hereafter constructed or moved into or within the jurisdiction. (IFC 507.3) Fire flow requirements for buildings or portions of building and facilities shall be determine by an approved method.*
 - No fire hydrants exist in the area to evaluate fire flow.
- b. *Engineering—contact 716-9160*
- All access shall comply with UDOT CAMP meeting requirements
 - All cleaning and/or maintenance of landscaping equipment shall comply with all storm water discharge requirements as required by local, state and federal laws and regulations.
 - Provide storm water detention/retention for site. Storm water detention/retention to be located on site such as not to impact private water well or septic drain field located on parcel.
 - All product bins shall be covered or drainage shall be such that product remains on site during storm events and not discharged to area drainage systems.
 - At present, the closest City sewer and water services are located at 2175 South and 1450 West. It is anticipated that existing home and structure to be serviced by onsite well and septic tank/drain field. Septic tank and drain field shall be inspected prior to occupancy as a Landscape Company to ensure proper operation, size and capacity based on proposed new use.
- c. *Environmental (Waste Management) —contact 716-9760*
- Continue to use residential carts and additional carts are available if needed. They can also switch to a frontload dumpster if desired.

RECOMMENDED FINDINGS FOR APPROVAL FOR THE CONDITIONAL USE PERMIT

The Planning Commission bases its decisions on the following findings supported in the administrative record for this project:

1. The proposed project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties with the conditions placed on the property that mitigate visual impacts.
2. The Conditional Use Permit conforms to the requirements of Title 17 of the Logan Municipal Code.
3. The project meets the goals and objectives of the GW designation within the Logan General Plan by providing generous landscaping and visually aesthetically pleasing properties.
4. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.

RECOMMENDED FINDINGS FOR REZONE & TEXT AMENDMENT APPROVAL

The Planning Commission bases its decisions on the following findings:

1. The rezone to the Gateway (GW) zone will match areas to the north along the HWY 89/91 and if UDOT decides to locate the traffic.
2. Based on the South Corridor Plan objectives and the recent developments at 2300 South by Nibley City, it is probable that a traffic signal will be placed there and the FLUP will then have to be re-assed and amended.
3. The proposed use of the property, as conditioned, will have a similar appearance to an agricultural use, or the FLUP RRA designation outlined in the 2010 map.
4. The utility services to the subject property have adequate capacities as proposed, if future development is proposed major utilizes upgrades will be required.
5. The subject property, as conditioned, will be compatible with adjoining land uses.

6. The request, as conditioned, will not compromise the overall objectives of the South Corridor Development Plan.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.



APPLICATION FOR PROJECT REVIEW

☒ Planning Commission ☐ Land Use Appeal Board ☐ Administrative Review

Date Received 9-21-15	Received By	Receipt Number 512801	Zone RC	Application Number PG 15-049
<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Design Review <input checked="" type="checkbox"/> Code Amendment </div> <div> <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Appeal </div> <div> Type of Application (Check all that apply): <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Zone Change <input type="checkbox"/> Variance <input type="checkbox"/> 4950' Design Review </div> <div> <input type="checkbox"/> Administrative Design Review <input type="checkbox"/> Other _____ </div> </div>				
PROJECT NAME Canyon Landscaping/B.S. Smith				
PROJECT ADDRESS 2250 South Hwy 89/91 Logan, UT 84321			COUNTY PLAT TAX ID # 03-007-0013	
AUTHORIZED AGENT FOR PROPERTY OWNER (Must be accurate and complete) B.S. Smith			MAIN PHONE # 435.752.3838 office 435.757.2744 cell	
MAILING ADDRESS 308 Hammond Lane		CITY Providence	STATE UT	ZIP 84332
EMAIL ADDRESS bj@canyonlandscaping.com				
PROPERTY OWNER OF RECORD (Must be listed) Raymond & Judy Z Trs Jensen			MAIN PHONE #	
MAILING ADDRESS 2250 South Hwy 89/91		CITY Logan	STATE UT	ZIP
EMAIL ADDRESS				
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE PRESENTED (Include as much detail as possible - attach a separate sheet if needed) <ul style="list-style-type: none"> • Rezone from RC to GW • Text Amend from N→C in GW code zone for land use Maintenance/repair service for buildings • CUP for light ^{outdoor} storage within use <p style="background-color: yellow; text-align: center;">- NO SITE ACTIVITY MAY OCCUR UNTIL AFTER APPROPRIATE COMMITTEE APPROVAL -</p>				Total Lot Size (acres) 1.10
				Size of Proposed New Building (square feet) No New Building
				Number of Proposed New Units/Lots N/A
I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permits on behalf of the property owner.		Signature of Property Owner's Authorized Agent 		
I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.		Signature of Property Owner 		

* **B.S. Smith/Canyon Landscaping** have attached real estate contract on property
 Address: **308 Hammond Lane Providence, UT 84332**
435.752.3838 office
435.757.2744 cell
bj@canyonlandscaping.com
MC W: Nov.3
MC H: Nov.17

To Whom It May Concern,

It is my pleasure to have the opportunity to write to you about Canyon Landscaping's proposed location at 2250 South Hwy 89/91 in Logan City. Canyon Landscaping has been in business since 1999 in Cache Valley and performs Landscape Management and Installation services to Cache Valley and surrounding areas. Many of our projects have beautified not only Cache Valley, but Logan City itself. In fact the common area plaza between city hall and the police station was a project completed by us as well as many other Logan City projects. I have appreciated working with Logan City over the years and look forward to locate within its boundaries.

Some may be concerned with the possibility of a landscaper operating in this area with the proposed zone change due to potential ugly storage or materials that would not be consistent with the current or proposed zoning. I believe there is compelling plan that we have proposed resolve any potential concern of day to day operations within the area. In many ways you could consider our use of the property as close as possible to any commercial use adjacent to an area currently zoned for agriculture.

I want to take a brief minute and communicate what elements are involved with the project and why I think it will not only be advantageous to Canyon Landscaping, but also Logan City. Please consider the following in considering how our operation would be involved with the property.

Aesthetic Implications: It is only in a landscaping company's best interest to have a property that looks great. Our current situation does not allow for that to happen as we are not the owner of the property and cannot control the landscape. With the proposed property we would have the ability to establish a show case landscaped entry that would only make sense when coupled with an organization that's sole success is based around beautification. This entry would add beauty to an otherwise bland corridor and distinguish itself from a typical commercial setting that already exists in the neighboring areas.

How we operate: The majority of our operation actually occurs off-site. We have 2-3 office staff in the office at various times of the day. We may have only one or two clients come visit and meet with office staff a month. We do have some field employees that have to come and pick-up trucks and at times trailers for daily operations, but when possible it is our policy that employees go direct to the project location. The one exception to this is a company meeting every other week.

Resolving Concerns: When working with city staff in preparation of submitting the application and reviewing the city code I have made an effort to consider the long term objectives of the city and proposing a project that can be a win-win for the city and Canyon Landscaping. Please take note of the considered items.

- **Site Modification:** There is no proposed plan to modify the existing structures of the site. The current house would be used as an office and the shop building as a tool and equipment storage. We have been operating for four years in a nearly identical set up which has met our needs. Our current location has septic service and well water, which is also consistent with this proposed property. A preliminary discussion with Mark Nielsen and Bear River Valley Health has indicated that our use would meet a standard that utilities would not need to be ran to the location.

- **Equipment Storage:** Heavy equipment such as tractors are typically out on sites during the season and not stored at the yard. During the off season this equipment is stored inside to protect it from the elements. In this case, inside the existing Quonset hut. If storage did occur for brief periods of in between time the equipment would be stored in areas that would be out of site to the general public passing by as to avoid an eye sore to the community.
- **Material Storage:** Materials stored are mulches, soils, and other types of items required to operate for a landscape service oriented business. These are to be kept in the back of the property and typically do not exceed 6' in height. These materials are typically used for short term storage during the season as they brought in to support installation services on site. Most materials are taken out of the shop for future projects and typically by the season end the materials are mostly out of the yard.
- **Parking:** Between 8-12 company vehicles are parked on the site nightly. This parking is proposed to take place in the back. Staff and visitor (if any) is proposed to take place next to the building. Because of the low count of visitor traffic and office staff we are requesting to be two parking spots less than the typical parking ratio.
- **Screening:** I have proposed that we locate landscape screening any spot where there are current site lines into the back area.
- **Access:** Our current access as proposed would be directly onto Hwy 89. As the property currently sits it would require one access to be closed. This would fall into the objective of Canyon Landscaping allowing a showcase area for landscaping as mentioned earlier. In time Canyon Landscaping is willing to consider and has agreed with UDOT to allow for a side access with future development or granted access by neighboring property owners. I have met with UDOT at a preliminary planning meeting to confirm their input on the property. No highway or road developments would be required outside of closing the aforementioned second access and including asphalt as part of the turn off from 89/91 into the property back to the UDOT easement line.

In conclusion, I believe that this project is in the best interests of both Logan City and Canyon Landscaping. A current rundown property avoids the potential of a possible highway rental, potentially leading to a deteriorating property right at the entrance of Logan and the city receives a notable small business whose best interest is creating and maintaining the property. It is also an example of Logan City taking interest in not only the large corporation of the 21st century, but maintaining an interest into the fabric of small business and what it brings to a community. Simultaneously Canyon Landscaping becomes even more stable in its operation and deeply invested into making Logan City and Cache County a beautiful place.

I thank you for your consideration and again the opportunity to work with you through this process. Please feel free to contact me directly with any questions on my cell phone at 435.757.2744 or my email bj@canyonlandscaping.com.

Best Regards,



B.J. Smith
Owner

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PLAT 0013
LOGAN COUNTY, WEST VIRGINIA

COUNTY ROAD 0020
324.03'

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H-L DAILY LLC

29.06 AC

LOGAN CITY CORP.
3.29 AC

0010
6.51 AC
0023
LANN V. N. ELSA & WIFE
W. BERNICE L. TES

0013
LIV. 0013
9.39 AC

LOGAN CORP. LIMITS

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U.S. HIGHWAY 91

SIERRA PARK PHASE 1
SEE 03-007-2

SIERRA COMMERCIAL
PARK
SEE 03-178 E

WESLEY NELSON FARM, INC.
44.75 AC
3.48 AC

NIBLEY CORP. LIMITS

LOGAN CORP. LIMITS

10.12 AC

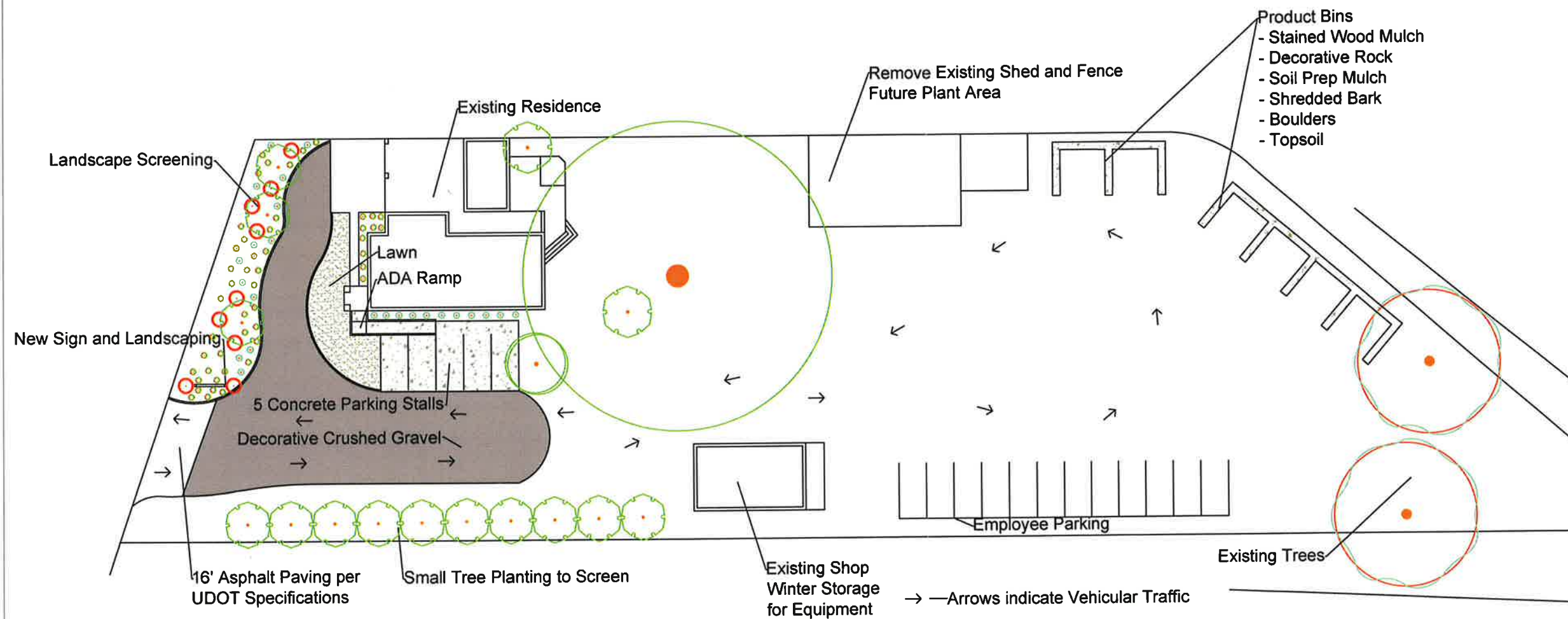
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SEE 03-009-4

SEE 03-008

SEE 03-015

This Plat is Provided as an Accommodation only and Does not Constitute an Actual Survey of the Premises



DESIGNER INFO:
TREVOR DAVIS
(435) 232-3585

DESIGN FIRM ADDRESS:
CANYON LANDSCAPING
308 HAMMOND LANE
PROVIDENCE, UT
84332
(435) 752-3838

CLIENT NAME AND ADDRESS:
2250 SOUTH HIGHWAY 89
LOGAN, UTAH

TAKE OFFS / NOTES:

VINCINTY MAP

LAST UPDATED: (SEP 16, 2015)

0' 30' 60'

SCALE: 1"=30'

NORTH